REMARKS/ARGUMENTS

Applicants respectfully request reconsideration of the present application in view of the reasons that follow. Claims 3, 9, and 10 have previously been canceled. Claims 1, 2, 4-8, and 11-26 are now pending in this application.

I.   Claim Rejections Under 35 U.S.C. § 112

In section 3 of the Office Action, Claims 17 and 18 were rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject mater which is regarded as the invention. Specifically, the Examiner states that "[t]he claims include '... the identifier...'. It is not clear if the claim is referring to the first, second, or third identifier." Applicants respectfully traverse the rejection.

Claims 17 and 18 ultimately depend from Claim 14. Claim 14 recites "wherein the first data packet includes voice data and <u>an identifier</u> associated with the first terminal." (Emphasis added). Claim 15, which depends from Claim 14, recites "wherein the received second data packet further includes <u>a second identifier</u> associated with the second terminal." (Emphasis added). Claim 17 recites "wherein <u>the identifier</u> is included in the third packet at a predetermined position relative to the second identifier." (Emphasis added). Claim 18 recites that "a third identifier associated with the conference call server is included as a marker in the third packet between <u>the identifier</u> and the second identifier." (Emphasis added). Applicants respectfully submit that "the identifier" recited in Claims 17 and 18 refers, with proper antecedent basis, to the "identifier associated with the first terminal," as recited in Claim 14. As such, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 112.

II.   Claim Rejections Under 35 U.S.C. § 102(e)

In section 5 of the Office Action, Claims 1, 2, 4-6, 8, 11, and 14 were rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,463,414 to Su et al. (hereinafter "<u>Su</u>"). Applicants respectfully traverse the rejection.

A.   Claims 1, 2, 4-6, and 8

Claim 1 recites "inserting the encoded combined data into outbound data packets together with **indicia identifying any terminal that provided any voice data** associated with the encoded combined data." (Emphasis added). In section 5 of the Office Action, the Examiner states that "Su discloses ... inserting the encoded combined data into outbound data packets together with indicia (i.e. priority assignment; Fig. 5, 560)." Applicants respectfully disagree.

Su discloses a system in which "mixing is implemented by modifying the standard decoders and encoders, and designing the mixers to process side information." (Col. 6, lines 52-54). The side information refers to "a set of parameters, e.g., spectrum, pitch, and energy" associated with a speech sample. (Col. 6, lines 26-29). Su also discloses that "it may be advantageous to assign a priority level to one or more speakers in order to help manage and control the call." (Col. 7, lines 43-45). The priority level is assigned by monitoring "one or more of the speech parameters (e.g., energy) ... to determine which speaker is in fact dominating the discussion." (Col. 7, lines 47-50). The channel corresponding to the dominant speaker "is then automatically given higher priority during mixing." (Col. 7, lines 50-51). As illustrated in Fig. 5 of Su, "a priorities assignment block 560 feeds into mixer n (525)." (Col. 8, lines 2-3).

Thus, Su is directed toward a system in which a channel corresponding to the dominant speaker is identified and given priority over the channels corresponding to non-dominant speakers. Su does not teach, suggest, or describe "**inserting** the encoded combined data into outbound data packets together with **indicia identifying any terminal that provided any voice data** associated with the encoded combined data," as recited in Claim 1. (Emphasis added). Applicants respectfully submit that giving priority to one channel over others as disclosed in Su is not the same as inserting indicia into the mixed signal, where the indicia identifies any terminal that provided any voice data. Su does not teach or suggest identifying the terminals that are providing voice data.

A rejection under 35 U.S.C. § 102(e) cannot be maintained when the applied reference does not disclose each limitation of the claims. For at least the reasons discussed above, Applicants respectfully submit that Claim 1 is in condition for allowance and request

withdrawal of the rejection. For at least the same reasons, Applicants request withdrawal of the rejection of Claims 2, 4-6, and 8, which depend from Claim 1.

B.   Claim 11

Claim 11 recites "presenting the active terminal identifier and an indicator at the first terminal, wherein the indicator indicates that the second terminal sent the voice data to the conference call server." On page 4 of the Office Action, the Examiner states that "Su discloses .... presenting the active terminal identifier and an indicator at the first terminal, wherein the indicator indicates that the second terminal sent the voice data to the conference call server (col. 7, lines 40-45 and lines 54-65)." Applicants respectfully disagree.

At col. 7, lines 40-65, Su discloses assigning "a priority level to one or more speakers in order to help manage and control the call." (Col. 7, lines 44-45). As discussed above, the priority level is assigned by monitoring "one or more of the speech parameters (e.g., energy) ... to determine which speaker is in fact dominating the discussion." (Col. 7, lines 47-50). The channel corresponding to the dominant speaker "is then automatically given higher priority during mixing." (Col. 7, lines 50-51). Su does not teach, suggest, or describe "**presenting ... an indicator at the first terminal**, wherein the indicator **indicates that the second terminal sent the voice data** ...," as recited in Claim 11. (Emphasis added). Applicants respectfully submit that giving priority to one channel over another is not the same as presenting an indicator which identifies the terminal that sent voice data.

A rejection under 35 U.S.C. § 102(e) cannot be maintained when the applied reference does not disclose each limitation of the claims. For at least the reasons discussed above, Applicants respectfully submit that Claim 11 is in condition for allowance and request withdrawal of the rejection.

C.   Claim 14

Claim 14 recites "inserting the mixed voice data and background noise information into a third data packet together with the identifier" and "sending the third data packet to the plurality of terminals participating in the conference call." (Emphasis added). On pages 4-5 of the Office Action, the Examine states that "Su discloses ... inserting the mixed voice data

-10-

and background noise information into a third data packet together with the identifier (Fig. 4; Fig. 5; col. 8, lines 52-65)." Applicants respectfully disagree.

At col. 8, lines 52-65, Su discloses "noise suppression modules [which] are used to suppress the ambient noise for each input channel." The noise is suppressed in "each channel" to "reduce the noise of the mixed signal" and to "enhance the quality of the perceived speech at each output channel." (Col. 8, lines 57-60). Su does not teach, suggest, or describe receiving an identifier that identifies a source of voice data, inserting the identifier into a third data packet together with mixed voice data and background noise, or sending the third data packet to a plurality of terminals participating in a conference call. Suppressing ambient noise during a conference call is not the same as inserting an "identifier" into a "third data packet" and "sending the third data packet to the plurality of terminals," as recited in Claim 14. Su does not teach or suggest such an identifier.

A rejection under 35 U.S.C. § 102(e) cannot be maintained when the applied reference does not disclose each limitation of the claims. For at least the reasons discussed above, Applicants respectfully submit that Claim 14 is in condition for allowance and request withdrawal of the rejection.

III. Claim Rejections Under 35 U.S.C. § 103(a)

In sections 7-10 of the Office Action, Claims 7, 12, 13, 15-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Su in view of United States Patent No. 6,466,550 to Foster et al. (hereinafter "Foster"). Applicants respectfully traverse the rejection.

A. Claim 7

As discussed above, Su fails to teach, suggest, or describe "inserting the encoded combined data into outbound data packets together with **indicia identifying any terminal that provided any voice data** associated with the encoded combined data," as recited in Claim 1. (Emphasis added). Foster also fails to teach or suggest such elements.

Foster is directed toward a system for "limiting the number of possible simultaneous talk streams" in a conference call. (Col. 4, lines 39-40). The number of talk streams is limited

by having the receivers and senders of the system "provide some type of arbitration." (Col. 5, line 67). Foster discloses that "receivers decide whether to keep or throw away packets from each received source based on some decision criteria" and "senders arbitrate and decide whether to send and/or whether to continue sending their particular talk stream." (Col. 6, lines 1-6). Foster further discloses that "[s]peaker prioritization with the above system is random" in that "the highest random SSRC will always trump with the 'highest SSRC rule'." (Col. 8, lines 25-28).

Thus, Foster discloses a system in which participants to a conference call are randomly prioritized. The number of voice streams allowed by the system is limited based on the random priority of the participants. Foster does not teach, suggest, or describe "inserting the encoded combined data into outbound data packets together with indicia identifying any terminal that provided any voice data associated with the encoded combined data," as recited in Claim 1. Applicants respectfully submit that prioritizing participants to limit the number of voice streams is entirely unrelated to inserting "indicia identifying any terminal that provided any voice data" into a data packet. (Claim 1; emphasis added). For at least these reasons, Applicants respectfully submit that Claim 7, which depends from Claim 1, is in condition for allowance. Applicants request withdrawal of the rejection of Claim 7.

B.   Claims 12 and 13

Claims 12 and 13 depend from Claim 11. Claim 11 recites "presenting the active terminal identifier and an indicator at the first terminal, wherein the indicator indicates that the second terminal sent the voice data to the conference call server." As discussed above, Su fails to teach or suggest such elements. Foster also fails to teach or suggest such elements. Foster is directed toward a system for prioritizing participants of a conference call to limit the number of voice streams transmitted/received during the conference call. Foster does not teach, suggest, or describe "presenting ... an indicator at the first terminal ... [that] indicates that the second terminal sent the voice data ...," as recited in Claim 11. (Emphasis added). For at least these reasons, Applicants respectfully submit that Claims 12 and 13, which depend from Claim 11, are in condition for allowance. Applicants request withdrawal of the rejection of Claims 12 and 13.

-12-

C.   Claims 15-21

Claims 15-21 depend from Claim 14. Claim 14 recites "inserting the mixed voice data and background noise information into a third data packet together with the identifier" and "sending the third data packet to the plurality of terminals participating in the conference call." (Emphasis added). As discussed above, Su fails to teach or suggest such elements. Foster also fails to teach or suggest such elements. Foster is directed toward a system for prioritizing participants of a conference call to limit the number of voice streams transmitted/received during the conference call. Foster does not teach, suggest, or describe "an identifier," "inserting the mixed voice data ... into a third data packet ... with the identifier," or "sending the third data packet to the plurality of terminals," as recited in Claim 14. (Emphasis added). For at least these reasons, Applicants respectfully submit that Claims 15-21, which depend from Claim 14, are in condition for allowance. Applicants request withdrawal of the rejection of Claims 15-21.

D.   Claims 22-26

Claim 22 recites "if the decoded stream includes voice data, extracting an identifier associated with a first terminal from which the decoded voice data is extracted" and "inserting the mixed voice data and background noise information and a header that includes the extracted identifier, if any, into an outbound RTP packet." The combination of Su and Foster fails to teach or suggest such elements.

As discussed above, Su is directed toward a system in which a channel corresponding to the dominant speaker is identified and given priority over the channels corresponding to non-dominant speakers. Su does not teach or suggest extracting an identifier corresponding to a terminal that provided voice data or inserting the mixed voice into an RTP packet that includes the extracted identifier. As further discussed above, Foster is directed toward a system for prioritizing participants of a conference call to limit the number of voice streams transmitted/received during the conference call. Foster also fails to teach or suggest "extracting an identifier" or "inserting the ... extracted identifier ... into an outbound RTP packet," as recited in Claim 22. For at least these reasons, Applicants respectfully submit that Claim 22 is in condition for allowance and request withdrawal of the rejection. For at least

the same reasons, Applicants request withdrawal of the rejection of Claims 23-26, which depend from Claim 22.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.
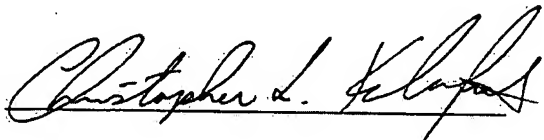
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date <u>March 10, 2008</u>

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